

JFCW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |                      |                        |           |
|--|----------------------|------------------------|-----------|
|  | Application Number   | 10/733,715             |           |
|  | Filing Date          | December 10, 2003      |           |
|  | First Named Inventor | Avery Levy             |           |
|  | Art Unit             | 3711                   |           |
|  | Examiner Name        | Mitra Aryanpour        |           |
| Total Number of Pages in This Submission |                      | Attorney Docket Number | 30940-101 |

### ENCLOSURES (Check all that apply)

|   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC  |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                 |
| <input checked="" type="checkbox"/> Amendment/Reply                       | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)             |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return postcard. |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              |   |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> Request for Refund                               |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application   | <input type="checkbox"/> Landscape Table on CD                            |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |
| Remarks   |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                           |          |        |
|--------------|---------------------------|----------|--------|
| Firm Name    | Perkins Smith & Cohen LLP |          |        |
| Signature    |                           |          |        |
| Printed name | John A. Hamilton          |          |        |
| Date         | August 2, 2005            | Reg. No. | 48,946 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                  |      |                |
|-----------------------|------------------|------|----------------|
| Signature             |                  |      |                |
| Typed or printed name | John A. Hamilton | Date | August 2, 2005 |

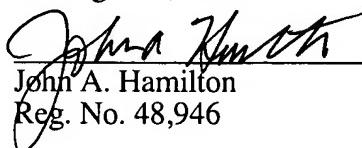
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 2, 2005.

  
John A. Hamilton  
Reg. No. 48,946

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Avery Levy  
Application Serial No. 10/733,715

Group Art Unit: 3711  
Confirmation No.: 9741  
Examiner: Mitra Aryanpour

Filed: December 10, 2003

Title: AUTOMATED BALL GAME TRAINING AND PLAYING SYSTEM

Perkins Smith & Cohen LLP  
One Beacon Street  
Boston, MA 02108-3106  
(617) 854-4000

To: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### Response (A) to Office Action with Restriction Requirement and Preliminary Amendment

Sir:

In response to the Office Action (non-final) dated 05 July 2005 in the above-captioned U.S. patent application, it is respectfully requested that the following election and preliminary amendment be entered. No fees are believed necessary for submission and consideration of this response. In the event that fees are required, such fees are authorized to be charged to our Deposit Account No. 03-2410, Order No. 30940-101.

**Amendment to the Claims begin on page 3 of this paper.**

**Remarks begin on page 28 of this paper.**